

Message Text

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ACTION EUR-12

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FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 3160

AMEMBASSY BERLIN

AMEMBASSY LONDON

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E O 11652: NA

TAGS: PFOR, PGOV, WB, GW

SUBJ: MORE PRESS COMMENT ON ALLIED BK/O ON ANTI-TERRORISM LAW

REF: A) USBERLIN 2001, B) USBERLIN 2003

1. JOACHIM BOELKE, POLITICAL EDITOR OF TAGESSPIEGEL, HAS PROVIDED CONDITIONAL DEFENSE OF ALLIED BK/O DEPRIVING PORTION OF ANTI-TERRORISM LAW OF EFFECT IN BERLIN AGAINST SOME OF STRONGER SPRINGER PRESS CHARGES. IN COMMENTARY SEPTEMBER 24 HE ATTRIBUTES ALLIED ACTION TO FACT THAT "ALLIES WISH TO AVOID AT THE PRESENT MOMENT ANY IMPRESSION THAT FEDERAL OFFICIALS POSSESS NEW COMPETENCES WHICH GO BEYOND THE EXISTING LEGAL SITUATION AND CONFLICT WITH THE PROVISIONS OF THE QUADRIPARTITE AGREEMENT THAT FEDERAL AUTHORITIES CANNOT EXERCISE DIRECT STATE AUTHORITY IN THE SENSE OF THE FEDERATION'S GOVERNING BERLIN." BOELKE EMPHASIZES THAT ALLIED DECISION WAS TAKEN AFTER CONSULTATION
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WITH APPROPRIATE GERMAN OFFICIALS AND THAT DECISION

SHOULD HAVE COME AS NO SURPRISE TO BERLIN
LEGISLATORS AFTER EFFORTS TO FIND MORE FELICITOUS
WORDING FOR COMPETENCY PROVISION OF LAW WERE NOT
SUCCESSFUL.

2. BOELKE ALSO TAKES OBJECTION IMPLICITLY TO
SPRINGER PRESS COMMENTARIES SUGGESTING THAT BK/O
WAS INTENDED TO AFFECT MAJOR ELEMENTS OF BERLIN-
FRG LEGAL UNITY. HE ARGUES THAT WHILE RESERVATIONS
WERE EXPRESSED TO FEDERAL PROSECUTOR ACQUIRING
NEW COMPETENCE, EXISTING FORMS OF COOPERATION
BETWEEN THAT OFFICIAL AND BERLIN PROSECUTORS
PURSUANT TO LAWS IN FORCE IN CITY WILL CONTINUE.
BOELKE CAUTIONS, HOWEVER, THAT IT NOW ALL THE
MORE IMPORTANT TO MAINTAIN THIS SITUATION REGARDLESS
OF PROTESTS THAT MAY COME FROM "OUTSIDE".
IN THIS CONNECTION HE EMPHASIZES THAT FEDERAL
PROSECUTOR'S OFFICE "IN COOPERATION WITH THE
OFFICIALS OF LAND BERLIN CAN NOT ONLY LEAD THE
INVESTIGATION IN THE LORENZ CASE AS HAS HAPPENED
BUT ALSO BRING THE INDICTMENT", AND THAT "FEDERAL
ATTORNEYS CAN CARRY OUT THE TRAIL BEFORE THE BERLIN
COURTS".GEORGE

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